

**In the Matter of Request for Review
by
Crownpoint Community School
of
Decision of Universal Administrator**

CC Docket No. 02-6

Attn:

Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, D.C. 20554

Re: Administrator's Decision on Appeal – Funding Year 2009-2010

Administrator's Decision Date:	April 29, 2016
Applicant:	Crownpoint Community School
Billed Entity:	99166
Form 471 Application Number:	692249
Funding Request Numbers(s):	1898716
SPIN:	Cam Net, Inc. 143017447

I. INTRODUCTION

Pursuant to 47 C.F.R. § 54.719(b) and (c), the Crownpoint Community School ("School") requests that the Federal Communications Commission ("Commission") review the April 29, 2016, decision by the Administrator of the Universal Service Administrative Company, Schools & Libraries Division ("USAC") to deny the School's funding request (Funding Request Number ("FRN") 1898716) and waive the 60-day deadline pursuant to 47 C.F.R. § 54.720 and grant the School an additional 30-days to file supporting documentation of its appeal.

The School respectfully requests that the Commission review and reverse the decision of the USAC Administrator issued on April 29, 2016, directing the School to reimburse USAC \$221,731.16, the amount of FRN 1898716 utilized by the School.

As set forth below, good cause exists for reversal of the Administrator's decision.

II. STATEMENT OF FACTS

The School is a small, rural Bureau of Indian Education ("BIE") school located in the State of New Mexico, serving approximately 400 students. The School qualifies for a 90-percent discount under the universal services Schools and Library Program ("E-rate Program"). In January and February of 2009, Mr. Gene Barnette, a former employee of the Department of the Interior, Office of the Assistant Secretary – Indian Affairs, filed Form 470 Application No. 373170000727212 and Form 471 Application No. 692249, on behalf of the School. This

included a FRN setting forth the estimate of funds needed for infrastructure improvements and maintenance.

On January 6, 2009, Mr. Barnette emailed the School encouraging it to permit the service provider, North American Communications Resource, Inc. (“NACR”), to conduct a survey of the school information technology (“IT”) infrastructure for purposes of the e-Rate Program.¹ The School replied to Mr. Barnette that it had no need for infrastructure improvements because it would be receiving construction funding for a new school and that the school would come with IT infrastructure rendering the need for “a survey of the current facility...a moot point as far as E-Rate is concerned....”² Mr. Barnette continued to press the issue and offered to submit an application on behalf of the School.³ On January 13, 2009, the School emailed Mr. Barnette that it had already completed Form 470 Application No. 910340000714956 for telephone services and would not need Mr. Barnette’s assistance in filing the Form 471 in February.⁴

On January 15, 2009 Mr. Barnette filed Form 470 Application No. 373170000727212 on behalf of the School for infrastructure services,⁵ the same day he received a suggested Form 470 from NACR.⁶ The next month, on February 12, 2009 NACR and Mr. Barnette filed Form 471 Application No. 692249, identifying NACR as the selected vendor.⁷

The School contacted USAC on April 23, 2009, informing them that Application No. 692249 had been prepared and submitted by Mr. Barnette, without the involvement of the School.⁸ USAC however issued a Funding Commitment Decision Letter for FRN 1898716 on December 15, 2009, in the amount of \$817,703.49.

Once construction completed the School compared the scope of work (“SOW”) for FRN 1898715 and the deliverables for the new school construction project and used the funds from FRN 1898715 to complete those items on the FRN 1898715 SOW that had not been completed in the new construction. The School also requested a vendor change, which was approved by USAC, and the vendor selected completed the work at a cost of \$221,731.16—approximately 25% of the original funding commitment.

On April 29, 2016, USAC denied the School’s appeal because the School has not shown that the USAC’s determination was incorrect.⁹ USAC’s investigation found that the competitive bidding process for FRN 1898716 violated federal rules on open and fair competition. Accordingly, USAC rescinded FRN 1898716 in full and seeks recovery of the disbursed funds, in the amount of \$221,731.16.¹⁰ USAC, however, did not consider whether special circumstances warrant a

¹ App. A.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ App. B.

⁶ App. C.

⁷ App. D and E.

⁸ App. A.

⁹ App. G.

¹⁰ App. H.

deviation from the general rule and that deviation would better serve the public interest than strict adherence to the general rule.

III. DISCUSSION

The Commission may waive any provision of its rules on its own motion and for good cause.¹¹ A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.¹² The Commission may also take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹³

Mr. Barnette allowed the service provider NACR participate in the preparation of Form 470 for FRN 1898716, in violation of the e-Rate Program rules, and as a result, the USAC seeks reimbursement of the disbursed funds.¹⁴ Mr. Barnette's actions, however, were not authorized, encouraged or sanctioned by the School and upon discovery of Mr. Barnette's actions the School took steps to mitigate the violation.

An investigation by the BIE reveals that the School had no knowledge of Mr. Barnette's actions, but was funded the full amount for FRN 1898716. The School utilized the funding in the most cost-effective means of meeting its educational needs and goals by reducing the overall cost of the services and funding only eligible e-Rate programs. In total, the School expended \$221,731.16, approximately 25-percent of the full amount of FRN 1898716 of \$817,703.49. Moreover, the School requested a change of vendor from USAC, so that NACR did not perform the services for FRN 1898716.

Further, the School is located in a rural area and qualifies for a 90-percent discount. The School serves a community where one-third of the population lives below the poverty level.¹⁵ Reimbursement of the full amount of FRN 1898716 would cause severe financial hardship on the School to the detriment of the students. Such an outcome is clearly inconsistent with the public interest.

IV. CONCLUSION

The Commission may waive any provision of its rules for good cause. Though the USAC Administrator's determination was not incorrect, strict adherence to the rule, in this case, would cause severe financial hardship on an already vulnerable community, resulting in an outcome wholly inconsistent with the public interest to educate students. Therefore, the School respectfully requests that the Commission reverse the decision of the USAC Administrator issued on April 29, 2016.

¹¹ See 47 C.F.R. § 1.3 (2009).

¹² *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹³ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972).

¹⁴ See 48 C.F.R. § 9.505 (2009).

¹⁵ See *United States Census 2010 Total Population*, American Fact Finder, U.S. Census Bureau - http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml (last visited June 28, 2016).

APPENDIX A

EMAIL EXCHANGE BETWEEN SCHOOL AND G. BARNETTE

From: Ken Shotwell <kevanesh@yahoo.com>
Sent: Tuesday, January 13, 2009 11:58 AM
To: genebarnette
Subject: RE: E-Rate 2009 Priority Two Items For Crownpoint

Hi Gene,

I appreciate all assistance with the survey, but my E-Rate application Form 470 is already submitted. I don't expect to need help with the Form 471, due in February. I may be misunderstanding your offer of help, but didn't want you to duplicate effort is all.

Thanks, Ken

--- On **Fri, 1/9/09**, genebarnette <genebarnette@everestkc.net> wrote:

From: genebarnette <genebarnette@everestkc.net>
Subject: RE: E-Rate 2009 Priority Two Items For Crownpoint
To: kevanesh@yahoo.com
Date: Friday, January 9, 2009, 12:05 PM

I will do the application for you so early next week we can review it and file it as Wednesday is the last day to file. Thanks Gene

Gene Barnette Jr.

Office of Assistant Secretary Indian Affairs (BIA)
10808 West 146th
Street
Overland Park Kansas 66221
Office: # 913-742-8895
Fax: # 913-742-8896
Cell: # 571-236-4246

genebarnette@everestkc.net

From: Ken Shotwell [mailto:kevanesh@yahoo.com]
Sent: Friday, January 09, 2009 9:29 AM
To: genebarnette
Subject: RE: E-Rate 2009 Priority Two Items For Crownpoint

Hi Gene,

I'm in testing lockdown all day, every day, for the next 4 weeks. We're administering the mid-year computerized test called "NWEA MAP". The only time I can *predictably* be available is after dismissal, 3pm Mountain Time. However, today at that time is tough. Could we shoot for next week, any day M-Thu, after 3?

Thanks,
Ken

--- On **Thu, 1/8/09**, genebarnette <genebarnette@everestkc.net> wrote:

From: genebarnette <genebarnette@everestkc.net>
Subject: RE: E-Rate 2009 Priority Two Items For Crownpoint
To: kevanesh@yahoo.com
Date: Thursday, January 8, 2009, 4:44 PM

I will call on Friday @ 505-786-6159. Is that OK? Gene

Gene Barnette Jr.

Office of Assistant Secretary Indian Affairs (BIA)
10808 West 146th
Street
Overland Park Kansas 66221
Office: # 913-742-8895
Fax: # 913-742-8896
Cell: # 571-236-4246

genebarnette@everestkc.net

From: Ken Shotwell [mailto:kevanesh@yahoo.com]
Sent: Tuesday, January 06, 2009 3:58 PM
To: genebarnette
Cc: 'Virginia Jumbo'
Subject: RE: E-Rate 2009 Priority Two Items For Crownpoint

Hi Gene,

I'm ready to accept your offer of assistance, in regards to completing the survey. In particular, *all* cabled and wireless LAN/WAN related questions, and phone switch, could benefit from an IT contributor.

Also, just FYI, we're planning to abandon this facility for a new school. Construction has started, and the last move-in date I heard was as early as next school year. We were told the school would come with IT infrastructure, equipped labs, classrooms, media center, and so forth. Don't know if that makes a survey of the current facility a moot point as far as E-Rate is concerned, that's your call.

Thanks,
Ken Shotwell

--- On **Tue, 1/6/09**, genebarnette <genebarnette@everestkc.net> wrote:

From: genebarnette <genebarnette@everestkc.net>
Subject: RE: E-Rate 2009 Priority Two Items For Crownpoint
To: kevanesh@yahoo.com, dcattin@NACR.com, mhager@NACR.com
Cc: "'Virginia Jumbo'" <vijumbo23@hotmail.com>
Date: Tuesday, January 6, 2009, 2:20 PM

Ken, as the BIE State eRate coordinator I am here as a Federal Employee to assist you in eRate. The vendor below works well with the BIE so I think we can work things out plus I can send a person that works for me from Albuquerque to assist us. Please let me know if you are in the need of my assistance. Gene

Gene Barnette Jr.

Office of Assistant Secretary Indian Affairs (BIA)
10808 West 146th
Street
Overland Park Kansas 66221
Office: # 913-742-8895
Fax: # 913-742-8896
Cell: # 571-236-4246

genebarnette@everestkc.net

From: Ken Shotwell [mailto:kevanesh@yahoo.com]
Sent: Tuesday, January 06, 2009 2:31 PM
To: dcattin@NACR.com; mhager@NACR.com
Cc: genebarnette@everestkc.net; Virginia Jumbo
Subject: Re: E-Rate 2009 Priority Two Items For Crownpoint

Hello Ms. Cattin and Ms. Hager,

Sorry for the delay. School was closed for Chrismtas break since 12/22, the date of your email, until today, our first day back.

We've just now begun to look at the survey, and I will confess that much of it goes beyond our on-site expertise. We have no dedicated IT staff, and our network is unmanaged. I'm an elementary teacher, with a background in desktop applications, mostly.

I'll discuss the next step with our Principal, Ms. Jumbo, and try to provide as much information as I can, for her review. Any site-visit would need to be cleared through her calendar.

As an aside, we *have not* filed our Form 471 for the application window now open, only our Form 470. The deadline for the 471 is February 12th, approx.

Regards,
Ken Shotwell
E-Rate Coordinator
Crownpoint Community School
Crownpoint, New Mexico 87313
Central Navajo Agency

--- On **Mon, 12/22/08**, **dcattin@NACR.com** <dcattin@NACR.com> wrote:
From: dcattin@NACR.com <dcattin@NACR.com>
Subject: E-Rate 2009 Priority Two Items For Crownpoint
To: vijumbo23@hotmail.com, kevanesh@yahoo.com
Cc: mhager@NACR.com, genebarnette@everestkc.net
Date: Monday, December 22, 2008, 12:31 PM

Good Morning Ken & Virginia,

We noticed you have filed your Priority One form 471 and wanted to copy you on this email regarding your Priority Two items.

We at North American Communications Resource (NACR) are contacting you at the request of Gene Barnette, the Business Manager with the BIE. We have been asked by Mr. Barnette to reach out to your school to introduce you to the new site survey and to visit your school to assist you in gathering essential information for the upcoming E-Rate year. In order to facilitate the gathering of the necessary information, the BIE has issued a site survey form which you will find attached to this email.

The collection of this information will benefit both your school and the BIE. This site survey will ensure that your school and the BIE are aware of the school's most current infrastructure. With a complete knowledge of what is currently in place it will be easier to determine the school's future maintenance needs. As the window for filing 470's has opened, this information will help the BIE to make recommendations on what is needed at your school, specific to your current infrastructure and future needs. When a vendor is selected for the services requested, the proactive collection of this information will also allow for a more seamless implementation.

We would like to visit your school within the next 3 weeks. In preparation for our visit, we ask that you complete the site survey with as much information as you have. Can you please take a look at your schedule and let us know what day and time will work best for you?

We look forward to meeting with you soon.

Thank you,

Deb Cattin & Melanie Hager

National Account Manager
Phone: 505-797-5119 X2
800-431-1333 ext. 6798
Fax: 505-797-1368
Mobile : 505-453-8585



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DISCLAIMER:

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No virus found in this incoming message.
Checked by AVG.
Version: 7.5.552 / Virus Database: 270.10.3/1878 - Release Date: 1/6/2009 7:56 AM

No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.552 / Virus Database: 270.10.3/1878 - Release Date: 1/6/2009 7:56 AM

No virus found in this incoming message.
Checked by AVG.
Version: 7.5.552 / Virus Database: 270.10.3/1878 - Release Date: 1/6/2009 7:56 AM

No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.552 / Virus Database: 270.10.5/1882 - Release Date: 1/8/2009 8:13 AM

No virus found in this incoming message.
Checked by AVG.
Version: 7.5.552 / Virus Database: 270.10.5/1884 - Release Date: 1/9/2009 8:38 AM

No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.552 / Virus Database: 270.10.5/1884 - Release Date: 1/9/2009 8:38 AM

No virus found in this incoming message.
Checked by AVG.
Version: 7.5.552 / Virus Database: 270.10.6/1891 - Release Date: 1/13/2009 8:17 AM

APPENDIX B

FORM 470 APPLICATION NO. 373170000727212
FILED BY G. BARNETTE

470

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 373170000727212		
Applicant's Form Identifier: I/C YR 12 B/M		
Application Status: CERTIFIED		
Posting Date: 01/15/2009		
Allowable Contract Date: 02/12/2009		
Certification Received Date: 02/09/2009		
1. Name of Applicant: CROWNPOINT COMMUNITY SCHOOL		
2. Funding Year: 07/01/2009 - 06/30/2010		3. Your Entity Number 99166
4a. Applicant's Street Address, P.O.Box, or Route Number PO BOX 178		
City CROWNPOINT	State NM	Zip Code 87313 - 0178
b. Telephone number ext. (505) 786-6159		c. Fax number (505) 786-6163
5. Type Of Applicant		
<input checked="" type="radio"/> Individual School (individual public or non-public school) <input type="radio"/> School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)		
6a. Contact Person's Name: Ken Shotwell		
<i>First, if the Contact Person's Street Address is the same as in Item 4 above, check this box. If not, please complete the entries for the Street Address below.</i>		
6b. Street Address, P.O.Box, or Route Number PO BOX 178		
City Crownpoint	State NM	Zip Code 87313 - 0178
<i>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</i>		
<input checked="" type="radio"/> 6c. Telephone Number (505) 786-6159		
<input type="radio"/> 6d. Fax Number (505) 786-6163		

 6e. E-mail Address kvenesg@yahoo.com

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☐ Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.
- b. ☒ Services for which a new written contract is sought for the funding year in Item 2.
 Check if you are ☒ a multi-year contract ☒ a contract featuring voluntary extensions
 seeking and/or extensions
- c. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.

8 ☐ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

- a ☐ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

- b ☐ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

- | | | |
|---|---|--|
| c <input type="checkbox"/> Check this box if you prefer discounts on your bill. | <input type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full. | <input type="checkbox"/> Check this box if you do not have a preference. |
|---|---|--|

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

- a ☐ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

- b ☐ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internet Access Services you seek. Specify

each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access services. Attach additional lines if needed.

<input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.	<input checked="" type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.	<input checked="" type="checkbox"/> Check this box if you do not have a preference.
--	--	---

Service or Function:	Quantity and/or Capacity:
email service and account fees	supporting entire campus of over 150 users
web Hosting	supporting entire school 150 users
Domain Registry	supporting one school and 150 users
Firewall	supporting one school and 150 users

10 ☒ Internal Connections Other than Basic Maintenance

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☒ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections services. Attach additional lines if needed.

<input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.	<input checked="" type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.	<input checked="" type="checkbox"/> Check this box if you do not have a preference.
--	--	---

Service or Function:	Quantity and/or Capacity:
switches	supporting 1 school and 650 users
PBX	supporting 1 school and 650 users
PVBX	supporting 1 school and 650 users
Internet Router	supporting 1 school and 650 users
wireless LAN	supporting 1 school and 650 users
UPS 4 Hr Backup	supporting 1 school and 650 users
servers	supporting 1 school and 650 users
internal wiring nd new fiber	supporting 1 school and 650 users 6 stran fiber 450 cat 6 e drops
video distributio	supporting 1 school and 650 users
professional services	supporting 1 school and 650 users
project management	supporting 1 school and 650 users
Taxes/Shippin charges	supporting 1 school and 650 users
6% contingency fee	supporting 1 school and 650 users
installation	supporting 1 school and 650 users

11 ☒ Basic Maintenance of Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☒ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Basic Maintenance services. Attach additional lines if needed.

<input checked="" type="checkbox"/> Check this box if you prefer discounts on your bill.	<input type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="checkbox"/> Check this box if you do not have a preference.
---	--	---

Service or Function:	Quantity and/or Capacity:
Basic Maintenance and technical support	On all eRate eligible equipment including phone system, switches, routers, servers, cabling and internet and data lines and components

12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.

Name: Gene Barnette	Title: Program Manager
Telephone number (913) 742 - 8895	
Fax number (913) 742 - 8896	
E-mail Address gbarnette@bia.edu	

13a. ☒ Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and a contact name and telephone number. **Must meet all GSA Schedules and FAR Regulations and be cleared security for around children**

☐ Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.

13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.

Block 3: Technology Assessment

14. ☐ **Basic telephone service only:** If your application is for basic telephone service and voice mail only, check this box and skip to Item 16. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check one or both boxes in 15a through 15e. You may provide details for purchases being sought.

a. Desktop communications software: Software required ☐ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☐ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☐ is being sought.

d. Computer hardware maintenance: adequate arrangements ☐ have been made; and/or ☐ are being sought.

e. Staff development: ☐ all staff have had an appropriate level of training /additional training has already been scheduled; and/or ☐ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the ineligible services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item **16a**, **16b** or **16c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item **17** the entity/entities that will pay the bills for these services.

a. ☒ Individual school or single-site library.

b. ☐ Statewide application for (enter 2-letter state code) representing (check all that apply):

- ☐ All public schools/districts in the state:
☐ All non-public schools in the state:
☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

c. ☐ School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible entities	
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces

17. Billed Entities

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity Number	Entity
99166	CROWNPOINT COMMUNITY SCHOOL

18. Ineligible Participating Entities

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating	Area Code	Prefix
--------------------------	-----------	--------

Entity		

Block 5: Certification

19. ☒ I certify that the applicant includes:(Check one or both.)
- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
 - b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).
20. ☒ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):
- a. ☒ individual technology plans for using the services requested in the application; and/or
 - b. ☒ higher-level technology plans for using the services requested in the application; or
 - c. ☒ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only
21. ☒ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.
23. ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.
24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C.

Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person: ☒

28. Date (mm/dd/yyyy): **02/09/2009**

29. Printed name of authorized person: **KEN SHOTWELL**

30. Title or position of authorized person: **TECHNOLOGY TEACHER**

31a. Address of authorized person: **PO BOX 178**
City: **CROWNPOINT** State: **NM** Zip: **87313-0178**

31b. Telephone number of authorized person: **(505) 786 - 6159**

31c. Fax number of authorized person: **(505) 7866163**

31d. E-mail address number of authorized person: **KEVANESH@YAHOO.COM**

31e. Name of authorized person's employer: **CROWNPOINT SCHOOL BOARD**

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at www.sl.universalservice.org or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 470

P.O. Box 7026

Lawrence, Kansas 66044-7026

1-888-203-8100

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms

ATTN: SLD Form 470

3833 Greenway Drive

Lawrence, Kansas 66046

1-888-203-8100

FCC Form 470
October 2004

New Search

Return To Search Results

APPENDIX C

**EMAIL FROM NACR TO G. BARNETTE
WITH SUGGESTED 470 FORM**

From: dcattin@NACR.com
Sent: Thursday, January 15, 2009 6:43 PM
To: genebarnette@everestkc.net
Cc: mhager@NACR.com; cbiller@NACR.com
Subject: FW: Crownpoint Suggested Form 470
Attachments: Crownpoing Sugg 470 Form.doc

Importance: High

Gene,
Here is the Crownpoint suggestion. --Deb

Deb Cattin
National Account Manager
Phone: 505-797-5119 X2
800-431-1333 ext. 6798
Fax: 505-797-1368
Mobile: 505-453-8585

NACR
Avaya Six-Time Business Partner of the Year

From: Deb Cattin
Sent: Wednesday, January 14, 2009 6:34 PM
To: 'genebarnette'
Cc: Melanie Hager
Subject: Crownpoint Suggested Form 470
Importance: High

Gene,
I really very worried about Crownpoint. We were at the Wingate HS construction meeting today at the Indian School building. The Crownpoint Army Corp of Engineers project manager was at the meeting and told us that already (they are at 40% construction) they are having huge construction over runs (drainage, flooding, etc) and wondered if Crownpoint was going to seek E-Rate funding?? I have a set of the plans. I think we could bid off them and I've put this Form 470 together. This guy Ken Shotwell only filed his Priority Ones!! --Deb

Deb Cattin
National Account Manager
Phone: 505-797-5119 X2
800-431-1333 ext. 6798
Fax: 505-797-1368
Mobile: 505-453-8585



Avaya Six-Time Business Partner of the Year

DISCLAIMER:

CONFIDENTIALITY NOTICE: This e-mail message, and any documents, files, or previous e-mail messages attached to it, may contain information that is confidential, proprietary, and/or legally privileged. If the reader of this e-mail message is neither the intended recipient nor an employee or an agent responsible for delivering this e-mail message to the intended recipient, you are hereby notified that any unauthorized review, use, disclosure, or distribution of this communication is strictly prohibited. Disclosing this e-mail message, or any document, file, or previous e-mail message attached to it to anyone other than the intended recipient may cause the breaching party to be liable to NACR for damages. If you have received this communication in error, please notify the sender by replying to the e-mail message and delete it from your computer, without reading it or saving it in any manner.

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.552 / Virus Database: 270.10.7/1895 - Release Date: 1/15/2009 7:46 AM

470

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number:

Applicant's Form Identifier:

Application Status:

Posting Date

Allowable Contract Date:

Certification Received Date:

1. Name of Applicant:**CROWNPOINT COMMUNITY SCHOOL****2. Funding Year:****07/01/2009 - 06/30/2010****3. Your Entity Number****99166****4a. Applicant's Street Address, P.O.Box, or Route Number****PO BOX 178**

City

CROWNPOINT

State

NM

Zip Code

87313-0178**b. Telephone number****(505) 786- 6159****c. Fax number****(505) 786- 6163****5. Type Of Applicant**

- ☒ Individual School (individual public or non-public school)
- ☐ School District (LEA; public or non-public[e.g., diocesan] local district representing multiple schools)
- ☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)
- ☐ Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)

6a. Contact Person's Name: Ken Shotwell

*First, if the Contact Person's Street Address is the same as in **Item 4** above, check this box. If not, please complete the entries for the Street Address below.*

6b. Street Address, P.O.Box, or Route Number		
<input checked="" type="radio"/> PO BOX 178		
City	State	Zip Code
CROWNPOINT	NM	87313-0178
Check the box next to your preferred mode of contact and provide your contact information. One box <i>MUST</i> be checked and an entry provided.		
<input type="radio"/> 6c. Telephone Number (505) 786- 6159		
<input checked="" type="radio"/> 6d. Fax Number (505) 786- 6163		
<input type="radio"/> 6e. E-mail Address kevanesh@yahoo.com		

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☒ Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.
- b. ☐ Services for which a new written contract is sought for the funding year in Item 2.
 Check if you are seeking ☐ a multi-year contract and/or ☐ a contract featuring voluntary extensions
- c. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

- a. ☐ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at at or via (check one):
 ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.
- b. ☒ **NO**, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember

that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

<input type="radio"/> Check this box if you prefer discounts on your bill.	<input checked="" type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
--	---	---

Service or Function:	Quantity and/or Capacity:
Local telephone/fax lines for one location with 60 staff and 400 students	2 voice and 1 fax line

9 ☐ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.

a ☐ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☐ NO , I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

<input type="radio"/> Check this box if you prefer discounts on your bill.	<input checked="" type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
--	---	---

10 x Internal Connections Other than Basic Maintenance

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.

a ☐ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☐ NO , I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember

that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

<input type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input type="radio"/> Check this box if you do not have a preference.
--	--	---

Service or Function:	Quantity and/or Capacity:
LAN NETWORK SWITCHES	650 Users
PBX—Analog, Digital & IP CAPABLE	650 Users
PVBX	650 Users
INTERNET ROUTER	650 Users
SERVERS	650 Users
INTERNAL WIRING & FIBER	650 Users
WIRELESS LAN	650 Users
UPS	650 Users
VIDEO DISTRIBUTION	650 Users
FIREWALL	650 Users
TAPE BACKUP	650 Users
PROFESSIONAL SERVICES	650 Users
PROJECT MANAGEMENT	650 Users
TAXES, SHIPPING CHARGES	650 Users
6% CONTINGENCY FEE	650 Users
INSTALLATION	650 Users

11 x Basic Maintenance of Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.

a ☐ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☐ NO , I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

<input type="radio"/> Check this box if you prefer discounts on your bill.	<input type="radio"/> Check this box if you prefer reimbursement after paying	<input type="radio"/> Check this box if you do not have a preference.
--	---	---

	your bill in full.	
Service or Function:	Quantity and/or Capacity:	
Repair and upkeep of eligible hardware	District wide	
Wire and Cable maintenance	District wide	
Basic technical support	District wide	
Configuration changes	District wide	

12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.

Name:

Ken Shotwell

Title:

Elementary Teacher

Telephone number

(505) 786 - 6159

Fax number

(505) 786 - 6163

E-mail Address

13a. ☐ Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or a Web address where they are posted and provide a contact name and telephone number.

☒ Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.

13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.

Block 3: Technology Resources

14. ☒ **Basic telephone service only:** If your application is for basic telephone service and voice mail only, check this box and skip to Item **16**. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being

sought.

- a. Desktop software: Software required ☐ has been purchased; and/or ☐ is being sought.
- b. Electrical systems: ☐ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.
- c. Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☐ is being sought.
- d. Computer hardware maintenance: adequate arrangements ☐ have been made; and/or ☐ are being sought.
- e. Staff development: ☐ all staff have had an appropriate level of training /additional training has already been scheduled; and/or ☐ training is being sought.
- f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item **16a**, **16b** or **16c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item **17** the entity/entities that will pay the bills for these services.

a. ☒ **Individual school or single-site library.**

b. ☐ **Statewide application for (enter 2-letter state code) representing (check all that apply):**

- ☐ All public schools/districts in the state:
- ☐ All non-public schools in the state:
- ☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ **If checked, complete Item 18.**

c. ☐ **School district, library system, or consortium application to serve multiple eligible entities:**

Number of eligible sites	
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number)

separate with commas, leave no spaces

17. Billed Entities

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity	Entity Number
CROWNPOINT COMMUNITY SCHOOL	99166

18. Ineligible Participating Entities

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix
---------------------------------	-----------	--------

Block 5: Certification and Signature

19. ☒ I certify that the applicant includes:(Check one or both.)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

20. ☒ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- a. ☐ individual technology plans for using the services requested in the application, and/or
- b. ☐ higher-level technology plans for using the services requested in the application, or
- c. ☒ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only

21. ☒ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that

all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the status and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

23. ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person: ☒

28. Date (mm/dd/yyyy): **12/19/2008**

29. Printed name of authorized person: **Ken Shotwell**

30. Title or position of authorized person: **Elementary Teacher**

31a. Address of authorized person: **P.O. Box 178**

City: **Crownpoint** State: **NM** Zip: **87313-0178**

31b. Telephone number of authorized person: **(505) 786 - 6159**

31c. Fax number of authorized person: **(505) 7866163**

31d. E-mail address number of authorized person: **kevanesh@yahoo.com**

31e. Name of authorized person's employer: **Department of Interior, Bureau of Indian Education**

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at www.sl.universalservice.org or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026
1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms
ATTN: SLD Form 470
3833 Greenway Drive
Lawrence, Kansas 66046
1-888-203-8100

FCC Form 470
November 2004


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Information about Crownpoing Sugg 470 Form (2)


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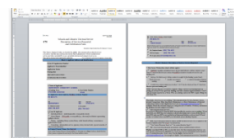
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APPENDIX D

EMAIL FROM NACR TO G. BARNETTE
WITH BILLING AND SECURITY CODES

From: mhager@NACR.com
Sent: Thursday, February 12, 2009 10:46 AM
To: genebarnette@everestkc.net
Cc: dcattin@NACR.com
Subject: T'iis Nazbas, Crownpoint, Huerfano and Pinon
Attachments: T'iis Nazbas Community School IC & BM.pdf; Crownpoint Community School IC & BM.pdf; Huerfano Dormitory IC & BM.pdf; Pinon Community School IC & BM.pdf

Importance: High

Gene,

Here are four more.

Thanks!
Mel

Melanie Benavidez Hager
National Account Manager
Phone: 505.797.5119 Prompt 3
800.431.1333 ext. 7009
Fax: 651.796.7009
Mobile: 505.459.8448



Avaya Six-Time Business Partner of the Year

DISCLAIMER:

CONFIDENTIALITY NOTICE: This e-mail message, and any documents, files, or previous e-mail messages attached to it, may contain information that is confidential, proprietary, and/or legally privileged. If the reader of this e-mail message is neither the intended recipient nor an employee or an agent responsible for delivering this e-mail message to the intended recipient, you are hereby notified that any unauthorized review, use, disclosure, or distribution of this communication is strictly prohibited. Disclosing this e-mail message, or any document, file, or previous e-mail message attached to it to anyone other than the intended recipient may cause the breaching party to be liable to NACR for damages. If you have received this communication in error, please notify the sender by replying to the e-mail message and delete it from your computer, without reading it or saving it in any manner.

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.552 / Virus Database: 270.10.23/1948 - Release Date: 2/12/2009 7:20 AM

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FCC Form 471

Services Ordered and Certification Form

[Block 1](#)[Block 2 & 3](#)[Block 4](#)[Block 5](#)[Block 6](#)**Applicant's Form Identifier:** Y12CPCSoint471**Entity Number:** 99166**Contact Person:** Gene Barnette Jr.**Phone Number:** (505) 786-6159

IMPORTANT

Please record your Form 471 application number and security code. You will need this information if you wish to exit and return later to this online Form 471 application or if you wish to file your Item 21 Attachment Online.

471 Application Number: 692249**Billed Entity Number:** 99166**Security Code Number:** 54993[Continue >>](#)[Print Now](#)

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APPENDIX E

FORM 471 APPLICATION NO. 692249
FILED BY G. BARNETTE

FCC Form 471

Do not write in this area.

Approval by OMB
3060-0806**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471****Estimated Average Burden Hours per Response: 4 hours**

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)
The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier(Create your own code to identify THIS form 471)
Y12CPCS471**Form 471 Application#**

(To be assigned by administrator)

692249

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)**1 a** Name of Billed Entity CROWNPOINT COMMUNITY SCHOOL**2 a** Funding Year: July 1, 2009 Through June 30: 2010 Billed Entity Number: 99166**4 a** Street Address,
P.O. Box, PO BOX 178
or Routing Number

City CROWNPOINT

State NM

Zip Code 87313 0178

b Telephone Number 505-786-6159**c** Fax Number 505-786-6163**5 a** Type of Application
☒ Individual School (individual public or non-public school)
☐ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)
☐ Consortium ☐ Check here if any members of this consortium are ineligible or non-governmental entities**6** Contact Person's Name Ken ShotwellFirst, if the Contact Person's Street Address is the same as in Item 4, check this box. ☐ If not, please complete the entries for the Street Address below.**b** Street Address,
P.O. Box, PO BOX 178
or Routing Number

City CROWNPOINT

State NM

Zip Code 87313 0178

☐ **c** Telephone Number 505-786-6159☐ **d** Fax Number 505-786-6163☒ **e** E-mail Address kvenesg@yahoo.com**f** Holiday/vacation/summer
contact information

Contact Person Ken Shotwell

Phone Number

505-786-6159

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools

IF THIS APPLICATION INCLUDES SCHOOLS...		BEFORE ORDER	AFTER ORDER
7a	Number of students to be served		392
b	Telephone service: Number of classrooms with phone service	0	0
c	Dial-up Internet access: Number of connections (up to 56kbps)	3	3
d	Direct broadband services: Number of buildings served at the following speeds:		
	Less than 10 mbps	0	0
	Between 10 mbps and 200 mbps	0	0
	Greater than 200 mbps	3	3
e	Direct connections to the Internet: Number of drops	350	650
f	Number of classrooms with Internet access	49	49
g	Number of computers or other devices with Internet access	320	320

Block 3: Impact of Services Ordered on Libraries**NOT APPLICABLE AS THIS APPLICATION IS FOR SCHOOL****Worksheet A No:** 1129789**Student Count:** 392**Weighted Product (Sum. Column 8):** 352.8**Shared Discount:** N/A**1. School Name:** CROWNPOINT COMMUNITY SCHOOL**2. Entity Number:** 99166 **NCES:** 59 0006 0036**3. Rural/Urban:** Rural**4. Student Count:** 392**5. NSLP Students:** 330**6. NSLP Students/Students:** 84.183%**7. Discount:** 90%**8. Weighted Product:** 352.8**9. Pre-K/Adult Ed/Juv:****10. Alt Disc Mech:****Block 5: Discount Funding Request(s)**

FRN: 1898716 FCDL Date:	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 373170000727212
13. SPIN: 143011994	14. Service Provider Name: North American Communications Resource, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: E9099
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 02/12/2009	18. Contract Award Date: 02/12/2009

19a. Service Start Date: 07/01/2009	19b. Service End Date:
20. Contract Expiration Date: 12/31/2010	
21. Attachment #: CPCS-IC	22. Block 4 Entity Number: 99166
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$.00	
23f. Annual non-recurring (one-time) charges: 1375050.47	23g. Ineligible non-recurring amt.: 32122
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$1,342,928.47	
23i. Total program year pre-discount amount (23e + 23h): \$1,342,928.47	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$1,208,635.62	

FRN: 1898781	FCDL Date:
10. Original FRN:	
11. Category of Service: Basic Maintenance of Internal Connections	12. 470 Application Number: 373170000727212
13. SPIN: 143011994	14. Service Provider Name: North American Communications Resource, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: E9100
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 02/12/2009	18. Contract Award Date: 02/12/2009
19a. Service Start Date: 07/01/2009	19b. Service End Date:
20. Contract Expiration Date: 12/31/2010	
21. Attachment #: CPCS-BM	22. Block 4 Entity Number: 99166
23a. Monthly Charges: \$3,354.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$3,354.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$40,248.00	
23f. Annual non-recurring (one-time) charges: 0	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$40,248.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$36,223.20	

Block 6: Certifications and Signature

Application ID:692249

Do not write in this area.

Entity Number	99166	Applicant's Form Identifier	Y12CPCS471
Contact Person	Ken Shotwell	Phone Number	505-786-6159

Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ **Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or

- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities

25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23I on all Block 5 Discount Funding Requests.)	\$948,807.43
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$853,926.69
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$94,880.74
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$32,122.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$127,002.74
f.	<input checked="" type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

- a. ☒ an individual technology plan for using the services requested in this application; and/or
 b. ☐ higher-level technology plan(s) for using the services requested in this application; or
 c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.

30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate

share of benefits from those services.

32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date **2/12/2009**

40. Printed name of authorized person
GENE BARNETTE

41. Title or position of authorized person
OFFICE OF ASSISTANT SECRETARY INDIAN AFF

42a. **Street Address, P.O Box or Route Number**
10808 WEST 146TH STREET
City, State Zip Code
OVERLAND PARK, KS 66221

42b. Telephone number of authorized person:
(913) 742-8895

42c. Fax number of authorized person:
(913) 889-8896

42d. E-mail of authorized person:
GENEBARNETTE@EVERESTKC.NET

42e Name of authorized person's employer
BIA

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as

amended. 47U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

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Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

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APPENDIX F

EMAIL FROM SCHOOL TO USAC
NOTIFYING USAC THAT IT DID NOT APPLY FOR
APPLICATION NO. 692249

From: Ken Shotwell <kevanesh@yahoo.com>
Sent: Thursday, April 23, 2009 4:50 PM
To: GWARMA@sl.universalservice.org; Gene Barnette
Cc: Lee Bruggeman
Subject: FW: April 23rd 09 Erate Letter for App 692249
Attachments: April 23rd 09 Erate Letter for App 692249.doc

Ms. Warma, I'm copying you on this so you will be aware that Mr. Gene Barnette will need to be your contact for Application 692249. I believe he is identified as the "Technical Contact" on the Form 470 application that preceded Form 471. All information contained in the application was provided by Mr. Barnette. Although he listed me as the Administrative contact for his application, I was not involved in preparing it, nor do I have the security identifier to access it, nor the expertise to address your questions.

Respectfully,
Ken Shotwell
Crownpoint Community School
Crownpoint, New Mexico 87313
Erate Entity Number 99166

--- On **Thu, 4/23/09, Warma, Garima** <GWARMA@sl.universalservice.org> wrote:

From: Warma, Garima <GWARMA@sl.universalservice.org>
Subject: FW: April 23rd 09 Erate Letter for App 692249
To: KEVANESH@YAHOO.COM
Cc: "Ken Shotwell@1-505-786-6163" <IMCEAFAX-Ken+20Shotwell+401-505-786-6163@necaservices.com>
Date: Thursday, April 23, 2009, 1:09 PM

From: Warma, Garima
Sent: Thursday, April 23, 2009 9:15 AM
To: 'kvenesg@yahoo.com'
Cc: 'Ken Shotwell@1-505-786-6163'
Subject: April 23rd 09 Erate Letter for App 692249

Hello Ken Shotwell,

Please address the question listed in the letter regarding Erate Application **692249**. If you should have any questions, please don't hesitate to contact me at your earliest convenience.

Sincerely,

Garima Warma

Schools and Libraries Division

Program Integrity Assurance

Phone: 973- 581-5352

FAX: 973- 599-6513

E-mail address Gwarma@sl.universalservice.org

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Checked by AVG.

Version: 7.5.557 / Virus Database: 270.12.4/2078 - Release Date: 4/24/2009 7:54 AM

APPENDIX G

USAC ADMINISTRATOR DECISION
DATED APRIL 29, 2016

Rudy Thompson
Crownpoint Community School
P.O. Box 178
Crownpoint, NM 87313-0178

Billed Entity Number: 99166
Form 471 Application Number: 692249
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2009-2010

April 29, 2016

Rudy Thompson
Crownpoint Community School
P.O. Box 178
Crownpoint, NM 87313-0178

Re: Applicant Name: CROWNPOINT COMMUNITY SCHOOL
Billed Entity Number: 99166
Form 471 Application Number: 692249
Funding Request Number(s): 1898716
Your Correspondence Received: October 20, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2009 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1898716
Decision on Appeal: **Denied**
Explanation:

- USAC denied your funding request because it was determined the service provider North American Communications Resource, Inc. participated in the preparation of the Form 470 which established the competitive bidding process for FRN 1898716 by drafting the content of the Form 470. Since you violated the FCC competitive bidding rules, USAC rescinded your funding request and sought recovery of any funds disbursed. In your appeal, you have not shown that USAC's determination was incorrect. Consequently, USAC denies your appeal.
- FCC rules require that FCC Forms 470 and 471 be signed by a person authorized to order telecommunications and other supported services for the eligible entities and certify under oath to all the required certifications. *See* 47 C.F.R. 54.504(b)(2), 47 C.F.R. 54.504(c)(1). Consultants or other signers who are not

employees of the Billed Entity must have a Letter of Agency from the applicant affirming that they are authorized to represent the applicant. Service providers who participated in the competitive bidding process for the services sought should not be involved in the preparation and certification/signing of the FCC Form 471 without the applicant's authorization. Conflict of interest principles that apply in competitive bidding situations include preventing the existence of conflicting roles that could bias a contractor's judgment and preventing an unfair competitive advantage. *See* 48 C.F.R. sec. 9.505(a), (b). The FCC's Fifth Report and Order requires recovery of all funds disbursed for any funding request in which the competitive bidding rules have been violated. *See* Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15815, 15816, FCC 04-190 para. 21 (rel. Aug. 13, 2004).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

APPENDIX H

**USAC DEMAND PAYMENT LETTER
DATED MAY 02, 2016**



Demand Payment Letter

(Funding Year 2009: July 1, 2009 - June 30, 2010)

May 2, 2016

Ken Shotwell

CROWNPOINT COMMUNITY SCHOOL

PO BOX 178

CROWNPOINT, NM 87313 0178

Re: Form 471 Application Number:	692249
Funding Year:	2009
Applicant's Form Identifier:	Y12CPCS471
Billed Entity Number:	99166
FCC Registration Number:	0020671947
SPIN:	143017447
Service Provider Name:	CamNet, Inc.
Service Provider Contact Person:	Cam Ferrante
Payment Due By:	6/1/2016

You were previously sent a Notification of Commitment Adjustment Letter informing you of the need to recover funds for the Funding Request Number(s) (FRNs) listed on the Funding Commitment Adjustment Report (Report) attached to the Notification of Commitment Adjustment Letter. A copy of that Report is attached to this letter.

The balance of this debt is due within 30 days from the date of this letter. Failure to pay the debt within 30 days from the date of this letter could result in interest, late payment fees, administrative charges, and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

If the Universal Service Administrative Company (USAC) has determined that both the applicant and the service provider are responsible for a Program rule violation, then, pursuant to the Order on Reconsideration and Fourth Report and Order (FCC 04-181), USAC will seek recovery of the improperly disbursed amount from BOTH parties and will continue to seek recovery until either or both parties have fully paid the debt. If USAC has determined that both the applicant and the service provider are responsible for a Program rule violation, this was indicated in the Funding Commitment Adjustment Explanation on the Funding Commitment Adjustment Report.

If USAC is attempting to collect all or part of the debt from both the applicant and the service provider, then you should work with your service provider to determine who will be repaying the debt to avoid duplicate payment. Please note, however, that the debt is the responsibility of both the applicant and service provider. Therefore, you are responsible for ensuring that the debt is paid in a timely manner.

Please remit payment for the full "Funds to be Recovered from Applicant" amount shown in the Report. To ensure that your payment is properly credited, please include a copy of the Report with your check. Make your check payable to the Universal Service Administrative Company (USAC).

Use one of the appropriate addresses listed below to send payments to USAC.

U.S. Postal Service and Standard Mail for Payments:

USAC
PO Box 105056
Atlanta, GA 30348-5056

Courier and Overnight Packages:

USAC
Lockbox 105056
1075 Loop Road
Atlanta, GA 30337
(404) 209-6377

ACH payments:

USAC requests that all ACH payment be sent in CCD+ format to:
ABA Routing #071000039, Account #5590045653

Payment is due within 30 days from the date of this letter.

Complete Program information is posted to the SLP section of the USAC website at www.usac.org/sl/. You may also contact the SLP Client Service Bureau by email using the "Submit a Question" link on the SLP website, by fax at 1-888-276-8736 or by phone at 1-888-203-8100. Contacting SLP for questions does not change the deadline for your response to this Letter.

Universal Service Administrative Company
Schools and Libraries Program

cc: *Cam Ferrante*
CamNet, Inc.

Funding Commitment Adjustment Report
Form 471 Application Number: 692249

Funding Request Number: 1898716
Services Ordered: INTERNAL CONNECTIONS
SPIN: 143017447
Service Provider Name: CamNet, Inc.
Contract Number: E9099
Billing Account Number:
Site Identifier: 99166
Original Funding Commitment: \$817,703.49
Commitment Adjustment Amount: \$817,703.49
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date: \$221,731.16
Funds to be Recovered from Applicant: \$221,731.16
Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the review, it was determined the service provider North American Communications Resource, Inc. participated in the preparation of the Form 470 which established the competitive bidding process for FRN 1898716 by drafting the content of the Form 470. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process and to conduct a fair and open process. Accordingly, the applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition or would furnish the service provider with inside information or allow it to unfairly compete in any way. By having the service provider engaged in the preparation of its Form 470, the applicant surrendered control of the competitive bidding process to the service provider who participated in the competitive bidding process as a bidder. USAC has determined that the applicant is responsible for this rule violation. Accordingly, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

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